

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 18-24227-CIV-ALTONAGA/Goodman

JASON MILLER,

Plaintiff,

v.

GIZMODO MEDIA GROUP,
LLC; *et al.*,

Defendants.

ORDER

THIS CAUSE came before the Court on the Defendants' Bill of Costs [ECF No. 227], and Defendants' Bill of Costs and Supporting Memorandum [ECF No. 228], filed September 26, 2019. Although costs may properly be taxed at this time, *cf. Rothenberg v. Sec. Mgmt. Co.*, 677 F.2d 64, 64 (11th Cir. 1982) ("[C]osts may be taxed after a notice of appeal has been filed." (alteration added)), the Court uses its discretion to decide the post-trial motion first, *cf. Belize Telecom, Ltd. v. Gov't of Belize*, 528 F.3d 1298, 1310 (11th Cir. 2008) ("[W]e leave for the district court to determine whether a stay or a hearing on costs and fees is appropriate, given the pending appeal . . ." (alterations added)). Accordingly, it is

ORDERED AND ADJUDGED that the Bill of Costs [ECF No. 228] is **TERMED**. The Bill of Costs is deemed filed September 26, 2019. Depending on the outcome of Plaintiff's appeal, filed on August 29, 2019, the Court will direct the Clerk to reinstate the Bill.

DONE AND ORDERED in Miami, Florida, this 26th day of September, 2019.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record